

FISCAL NOTE

HB 458 - SB 792

February 28, 2007

SUMMARY OF BILL: Specifically authorizes the courts to order persons sentenced to supervised probation to undergo an alcohol and drug assessment, treatment or both. Requires offender to pay for such assessment or treatment, unless the court determines the offender is indigent. If offender is determined to be indigent, cost of treatment will be paid from the alcohol and drug addiction treatment fund. Assesses \$100 alcohol and drug addiction treatment fee on each drug-related conviction, with all proceeds going to the alcohol and drug treatment fund.

ESTIMATED FISCAL IMPACT:

Increase State Revenues –

\$ 1,823,200 / Alcohol and Drug Addiction Treatment Fund

Increase State Expenditures –

\$1,823,200 / Alcohol and Drug Addiction Treatment Fund

\$6,086,300 / General Fund

Assumptions:

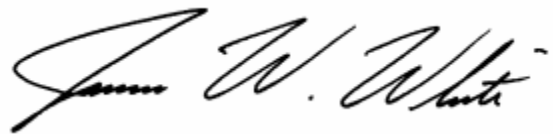
- According to the TBI's Crime in Tennessee 2005 report, there were 61,515 drug violations in 2005. Approximately 90 percent of these violations, or 55,400, ultimately resulted in a conviction.
- Courts have discretionary authority to order substance abuse assessment and treatment under current law (the statutory list of conditions of probation is not exclusive) and to require the defendant to pay the costs of assessment and treatment. Tenn. Code Ann. § 40-35-303. This authority is currently exercised in a relatively small number of cases.
- According to the Board of Probation and Parole, there were 39,163 total offenders on supervised probation as of January, 2007. Estimate assumes that of this number, there are approximately 9,300 drug and alcohol offenders on supervised probation. Approximately 75 percent of these offenders will be required to undergo assessment and treatment as a result of this bill, a total of 6,975. An additional 2,500 persons convicted of other offenses will be required to undergo assessment and treatment. The total

number of offenders ordered to undergo assessment will be 9,475. Ninety-five percent of offenders who undergo assessment will also undergo treatment, a total of 9,000.

- According to the Department of Health, it currently pays its providers \$50 for each substance abuse assessment. The average annual cost of treatment of a client in a substance abuse facility is \$2,670. Free treatment programs are available in some areas.
- Two-thirds of these offenders will be indigent and unable to pay the cost of their own assessment and treatment. 6,000 additional indigent offenders will undergo assessment under this bill, and 5,700 additional indigent offenders will undergo treatment. Fifty percent of indigent offenders will receive free treatment. The remainder will receive treatment at a cost to the State of \$2,670. The total annual cost to the State of assessment will be \$300,000. The total annual cost to the State of treatment will be \$7,609,500 (2,850 offenders x \$2,670). The combined annual cost to the State of indigent assessment and treatment will be \$7,909,500.
- The \$100 alcohol and drug addiction treatment fee will be imposed in 55,400 cases. The fee will be collected in one-third of those cases (18,232), generating \$1,823,200 annually for the Alcohol and Drug Addiction Treatment Fund.
- The requirement of assessment and treatment is not limited to the cost funded by the \$100 conviction fee. Expenditures from the general fund will be required to pay for costs in addition to the revenue generated by the fee.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director